

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

XPO LOGISTICS FREIGHT, INC.

Case 09-RC-262066

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, a corporation, is engaged in the business of interstate freight transportation from its facility located at 5289 Duff Drive, Cincinnati, Ohio. During the past 12 months, a representative period, the Employer sold and shipped goods valued in excess of \$50,000 directly to points located outside the State of Ohio.

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. The election will be conducted by mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit from the office of the National Labor Relations Board, Region 09, on **Monday, July 27, 2020 at 4:30 pm**. Voters must return their mail ballots so that they will be received in the National Labor Relations Board, Region 09 office by close of business on **Monday, August 17, 2020**. The mail ballots will be counted at the Region 09 office located at 550 MAIN ST, RM 3-111, CINCINNATI, OH 45202-3271 at **12 noon on Tuesday, August 18, 2020**.

To help avoid the untimely return of a ballot, any person who has not received a ballot by **Friday, August 7, 2020** or otherwise requires a duplicate mail ballot kit should contact the Region 09 office in order to arrange for another mail ballot kit to be sent to that employee.

The Regional Director may, in his/her discretion postpone any aspect of the election and count for safety reasons due to the Corona virus pandemic. If the election is canceled or postponed, it will be rescheduled for a time to be determined by the Regional Director.

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time Driver Sales Representatives (DSR) employed by the Employer at its Cincinnati, Ohio Service Center (XCN) located at 5289 Duff Drive, Cincinnati, Ohio; excluding all dock employees, maintenance employees, managerial employees, confidential employees, professional employees, office clerical employees, guards and supervisors as defined in the Act, and all other employees.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending June 20, 2020**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within **5** business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by INTERNATIONAL BROTHERHOOD OF TEAMSTERS (IBT) LOCAL 100?" The choices on the ballot will be "Yes" or "No".

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day the ballots are mailed to employees. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29

C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

10. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

11. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

XPO LOGISTICS FREIGHT, INC.

(Employer)

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS (IBT) LOCAL 100**

(Petitioner)

By: /s/ Howard Wexler 6/25/2020
(Signature) (Date)

By: /s/ James F. Wallington 6/25/2020
(Signature) (Date)

Print Name: Howard Wexler
Howard Wexler, Attorney

Print Name: James F. Wallington
James F. Wallington, Attorney

Recommended: /s/ Jodi A. Suber 6/25/2020
Jodi A. Suber, Field Examiner (Date)

Date approved: 6/26/20

/s/ Matthew T. Denholm
Matthew T. Denholm, Regional Director, Region 09
National Labor Relations Board